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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/743,761	Applicant(s) OYAMA, KAZUYA	
	Examiner Harris C. Wang	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on March 15th have been fully considered but they are not persuasive.

Regarding the Claim objection in Claim 49, Applicant has amended to correct the typographical error, therefore the Examiner withdraws the claim objection.

Regarding the Drawing objections, the Applicant has corrected the objected drawings, therefore the Examiner withdraws the drawing objection.

Regarding the first 112 second paragraph rejection, the Applicant has amended to replace the term "setting key" with code. The Examiner withdraws the first 112 second paragraph rejection.

Regarding the second 112 second paragraph rejection, the Applicant's argument that the claim covers the respective cases is persuasive. The Examiner withdraws the second 112 second paragraph rejection.

Regarding the third 112 second paragraph rejection, the Applicant's argument that the term "mediate" is consistent with dictionary definition is

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persuasive, because the Applicant has amended claim 17 from “a transfer medium that mediates an electronic device” to “a transfer medium is mediated by an electronic device.” The Examiner believed it was unclear how the device could mediate the medium in Claim 3, and then have the medium mediate the device in Claim 17. Because the Applicant has amended, the Examiner withdraws the third 112 second paragraph rejection.

Regarding the fourth 112 second paragraph rejection, the Applicant has amended the limitation “other communication apparatus” which clarifies the claim. The Examiner withdraws the fourth 112 second paragraph rejection.

Regarding the fifth 112 second paragraph rejection, the Applicant has amended the unclear claim language, the Examiner withdraws the fifth 112 second paragraph rejection.

Regarding the 102 rejection of Claims 1 and 4, the Applicant writes that the Office Action alleges that two ‘lines’ shown in Fig. 1 do not constitute different transfer mediums. The Applicant writes that “although there are two lines shown in Fig. 1, that there is only a single interface D-I/F and single transmission medium between D-I/F and D-I/F 24.”

The Examiner believes that his interpretation of “different transfer mediums” taken in the broadest sense is valid.

Wikipedia defines a medium as: *a carrier of something. Common things carried by media include information, art, or physical objects. A medium may provide transmission or storage of information or both.*

A Dictionary.com defines different as: *not identical; separate or distinct*

In light of these two definitions, the Examiner interprets “different transfer mediums” as non-identical carriers of information. In this sense, the Examiner’s interpretation of the first transfer medium as the “line” between Encryption Means 11 and Decryption Means 21, and the second transfer medium as the “line” between Key Encryption Means 12 and Key restoration means 22, in the broadest sense, is considered correct because the first “line” is not identical to the second “line.”

The Applicant failed to define different medium as a different type of medium, which would have required different types of interfaces.

Regarding the 102 rejection of Claims 2, 16, the Applicant argues that Nishimura fails to teach a different transfer medium, as discussed in Claims 1 and 4. The Examiner repeats the same argument above, and therefore considers the argument unpersuasive.

Regarding the 102 rejection of Claims 3, 17, the Applicant argues that “The embodiment in Fig. 9 does not show a ‘key encryption means’ as in the

embodiment shown in Fig. 1....Thus, in the embodiment shown in Fig. 1 is of a different configuration from the embodiment shown in Fig. 9.

The Examiner points out both the "Kco generation means" 39 and the "Encryption means" 38, which the Examiner considers as the key encryption means.

Regarding the 102 rejection of Claim 32, 45 and 60, the Applicant argues that the Examiner does not teach a different transfer medium. The Examiner repeats the same argument above, and therefore considers the argument unpersuasive.

The Applicant further argues that the Office action does not teach "a cipher key changeover control unit to decode a communication key signal." The cited Figure 9. does disclose a cipher key changeover control unit that decodes the communication key signal. As shown in the Rejection of Claim 33, the Examiner cites Fig. 2, where "S8 and S10 show the communication key being decoded based on the first and the second setting key signal." In Figure 9, the Decryption Means (51) takes the communication key from the cipher key storage (Kco storage means 49) and decrypts using the two codes sent as shown in Figure 2, as well as the Kex transferred from 46 to 49. Therefore the Examiner considers the Applicant's argument that no cipher key changeover control unit is taught as unpersuasive.

The Applicant further argues that the Examiner does not show a key encryption means. The Examiner points out both the "Kco generation means" 39

and the "Encryption means" 38 (in Fig. 9), which the Examiner considers as the key encryption means.

Regarding the 103 rejection of the applicant's argument that the Examiner did not establish different transfer mediums refer to the argument above
Regarding Claims 1 and 4.

Regarding Claim 27, the Applicant argues that "the proposed modification or combination of the prior art would change the principal of operation of the prior art invention being modified." More specifically, the Applicant argues that "replacement of Nishimura's data transfer means with a remote controller would involve a change in the principal feature of the embodiment, which requires transfer over a single IEEE 1304 bus." The Examiner disagrees with this assessment, because the principal operation of Nishimura is not the type of medium used to transfer but rather the encryption of AV and decryption of reception devices. The Examiner does not consider changing the IEEE bus with a remote control as a change in the principal feature. One of ordinary skill in the art knows that data can be transferred across a variety of media without changing any of the major functions on either the transferring side or the receiving side.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18, 23-24, 32-38, 45-53 and 60 are rejected under 35

U.S.C. 102(b) as being anticipated by Nishimura (WO 99/50992). However in this office action sections of the English equivalent of WO 99/50992 will be referred to (US 2004/0068655).

Regarding Claims 1 and 4,

Nishimura teaches an AV data wireless communication system comprising: an AV data transmitter encrypting an AV data signal including a voice or a picture with a communication key signal, and transmitting the encrypted AV data signal; and an AV data receiver decrypting the received AV data signal, wherein in the case where one of the AV data transmitter and the AV data receiver is defined as a first communication apparatus and the other one is defined as a second communication apparatus, when the first communication apparatus requests the second communication apparatus to transmit the communication key signal, the second communication apparatus generates two or more setting key signals based on the communication key signal of the second communication apparatus, and transmits all of the setting key signals to the first communication apparatus using different transfer mediums, respectively, the different transfer mediums being as many as the setting key signals, and the first communication apparatus decodes the original communication key signal using all of the received setting key signals, and establishes communication with the second communication apparatus.

The Examiner interprets the VTR device **2** (Fig. 1), as the AV data receiver and the first communication apparatus. The Examiner interprets the STB **1** (Fig. 1) as the AV data transmitter and the second communication apparatus. The Examiner interprets the communication key signal as **D** (Fig. 1). The Examiner interprets the two setting keys as **Kw(D)** and **Kc(KW)** in Fig. 1. The First communication device decodes the encrypted signal using the Decryption means **21**, (Fig. 1). Communication is established between the first and the second apparatus as shown by the lines between **1** STB and **2** VTR device. The Examiner interprets the line connecting **11** to **21** and the line connecting **12** and **22** as the first and second medium.

Regarding Claim 2,

Nishimura teaches the AV data wireless communication system according to claim 1, wherein one of the transfer mediums is a transfer medium used when the AV data signal is transmitted and received. It is inherent that the transfer medium will be the transfer medium used.

Regarding Claim 3,

Nishimura teaches the AV data wireless communication system according to claim 1, further comprising: an electronic device that mediates one of the transfer mediums, wherein after the second communication apparatus transmits one of the setting key signals to the electronic device and the electronic device stores the transmitted setting key signal, the electronic device transmits the setting key signal to the first communication apparatus.

The Examiner interprets the Data transfer means **44** (Fig. 9) as the electronic device. The Examiner interprets the setting key signal as the **Kco** between the Encryption means **38** and the data transfer means **44**.

Regarding Claim 5,

Nishimura teaches the AV data wireless communication system according to claim 4, wherein in the second communication apparatus, the first setting key signal and the second setting key signal each vary according to timings at which the first and second setting key signals are generated.

("encryption key generation means periodically or non-periodically updates the encryption key" Paragraph [0075])

Regarding Claim 6,

Nishimura teaches the AV data wireless communication system according to claim 5, wherein time information is synchronized between the first communication apparatus and the second communication apparatus generates the first code signal and the second code signal, using the time information, and thereby generating first and second code signals which vary each time the code signals are generated.

("It [the Digital Interface] performs two types of transfer...an isochronous transfer....and an asynchronous transfer" Paragraph [0150]) This synchronous transfer inherently teaches "time information" is used. *("encryption key generation means periodically or non-periodically updates the encryption key" Paragraph [0075])*

Regarding Claim 7 and 8,

Nishimura teaches the AV data wireless communication system according to claim 6, wherein when the first communication apparatus decodes the communication key signal based on the first setting key signal and the second

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setting key signal, the first communication apparatus decodes the communication key signal using the time information. When the first communication apparatus decodes the communication key signal based on the first code signal and the second code signal, the first communication apparatus changes the time information by a predetermined time and then decodes the communication key signal using the time information.

Steps S7-S10 in Fig. 6 teach the decoding the key signals.

("It [the Digital Interface] performs two types of transfer...an isochronous transfer....and an asynchronous transfer" Paragraph [0150]). This synchronous transfer inherently teaches "time information" is used. In order to convert something that is asynchronous to synchronous it is inherent that time information will be changed by a certain time for synchronization reasons.

The Examiner interprets changing the time information by a predetermined time and then decoding the key signal as synchronizing before decoding.

Regarding Claim 9,

Nishimura teaches the AV data wireless communication system according to claim 4, wherein at least one of the first setting key signal and the second setting key signal is transmitted from the second communication apparatus to the first communication apparatus in a specific period.

Fig. 1 shows the first setting key and the second setting key transmitted from the second communication apparatus. The Examiner interprets the line connecting 11 to 21 and the line connecting 12 and 22 as the first and second medium. The transmission will inherently be sent in a specific period.

Regarding Claim 10,

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Nishimura teaches the AV data wireless communication system according to claim 4, wherein when the first communication apparatus receives the first setting key signal, the first communication apparatus requests the second communication apparatus to transmit the second setting key signal.

The first communication apparatus requesting the second to transmit the second setting key signal is shown in Fig. 1 as "Instruction to obtain Kc" located between **23** and **13**.

Regarding Claim 11,

Nishimura teaches the AV data wireless communication system according to claim 10, wherein the second communication apparatus transmits the second setting key signal for a certain period after the first communication apparatus requests the second communication apparatus to transmit the second setting key signal.

Fig. 1 shows the transfer of Kc from **13** to **23**.

Regarding Claim 12,

Nishimura teaches the AV data wireless communication system according to claim 4, wherein when the second communication apparatus receives a changeover completion signal indicating that the communication key signal is generated and stored, from the first communication apparatus, the second communication apparatus finishes transmitting the second setting key signal.

The Examiner interprets the changeover completion signal as an indication that the transfer is complete. Therefore in the step S15 in Fig. 2, that checks if the Transmission is terminated inherently requires a changeover completion signal in order to determine whether the transmission needs to be terminated.

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Regarding Claims 13 and 14,

Nishimura teaches the AV data wireless communication system according to claim 4, wherein at least one of the first communication apparatus and the second communication apparatus has a communication apparatus authentication code for authenticating the other communication apparatus. (Authentication and key exchange, **S3** and **S4** (Fig. 2)).

Regarding Claim 15,

Nishimura teaches the AV data wireless communication system according to claim 4, wherein the second communication apparatus has a communication apparatus authentication code for authenticating the first communication apparatus, and when the second communication apparatus has transmitted the communication apparatus authentication code to the first communication apparatus through the first transfer medium, the first communication apparatus determines that the transmitted code is the communication apparatus authentication code, and transmits the communication apparatus authentication code to the second communication apparatus, and the second communication apparatus receives the communication apparatus authentication code transmitted from the first communication apparatus, and authenticates the first communication apparatus based on the received communication apparatus authentication code and the communication apparatus authentication code stored in the second communication apparatus. (Authentication and key exchange, **S3** and **S4** (Fig. 2)).

Regarding Claim 16,

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Nishimura teaches the AV data wireless communication system according to claim 4, wherein one of the first transfer medium and the second transfer medium is inherently a transfer medium used when the AV data is transmitted and received.

Regarding Claim 17,

Nishimura teaches the AV data wireless communication system according to claim 4, wherein one of the first transfer medium and the second transfer medium is a transfer medium that mediates an electronic device, and one of the first setting key signal and the second setting key signal is transmitted from the second communication apparatus to the electronic device, stored in the electronic device, and transmitted from the electronic device to the first communication apparatus. In Fig. 2, the Examiner interprets the line connecting **11** to **21** and the line connecting **12** and **22** as the first and second medium. The Examiner interprets the Data transfer means **44** (Fig. 9) as the electronic device.

Regarding Claim 18,

Nishimura teaches the AV data wireless communication system according to claim 17, wherein after transmitting the setting key signal that is one of the first setting key signal and the second setting key signal to the first communication apparatus, the electronic device deletes the setting key signal stored in the electronic device.

After transmitting the key in **S9** of Fig. 2 the STB checks to see if the key needs to be updated for the next means. Provided the system is used more than once the key will inherently be deleted when Kw is updated.

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Regarding Claim 23,

Nishimura teaches the AV data wireless communication system according to claim 17, wherein the second communication apparatus has a communication apparatus authentication code for authenticating the first communication apparatus, and when the communication apparatus authentication code has been transmitted from the second communication apparatus to the electronic device and stored in the electronic device, the electronic device transmits the communication apparatus authentication code to the first communication apparatus, and the first communication apparatus determines that the transmitted code is the communication apparatus authentication code and transmits the communication apparatus authentication code to the second communication apparatus, and the second communication apparatus receives the communication apparatus authentication code transmitted from the first communication apparatus and authenticates the first communication apparatus based on the received communication apparatus authentication code and the communication apparatus authentication code stored in the second communication apparatus.

(Authentication and key exchange, S3 and S4 (Fig. 2)).

Regarding Claim 24,

Nishimura teaches the AV data wireless communication system according to claim 17, wherein the first communication apparatus and the second communication apparatus have a first communication apparatus authentication code and a second communication apparatus authentication code for authentication, respectively, and when the second communication apparatus authentication code has been transmitted from the second communication apparatus to the electronic device and stored in the electronic device, the first

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communication apparatus transmits the first communication apparatus authentication code to the electronic device, and the electronic device authenticates the first communication apparatus based on the received first communication apparatus authentication data and the stored second communication apparatus authentication code. (*Authentication and key exchange, S3 and S4 (Fig. 2)*).

Regarding Claims 32 and 45,

Nishimura teaches a communication apparatus comprising: a first interface connected to a first transfer medium through which an AV data signal including a voice or a picture is transmitted and received; a second interface connected to a second transfer medium other than the first transfer medium; a cipher key storage unit storing a communication key signal for encrypting or decrypting the AV data signal; and a cipher key changeover control unit generating the communication cipher key by performing a specific arithmetic operation, and storing the communication cipher key in the cipher key storage unit, wherein when the communication apparatus requests the communication key signal of a communication apparatus other than the communication apparatus so as to communicate and connect with the other communication apparatus, the communication apparatus receives a first setting key signal and a second setting key signal generated by the other communication apparatus based on the communication key signal at the first interface and the second interface through the first transfer medium and the second transfer medium, respectively, and the cipher key changeover control unit performs the specific arithmetic operation using the received first and second setting key signals, thereby decoding the communication key signal and storing the decoded communication key signal in the cipher key storage unit.

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The Examiner interprets the first interface as the Data transfer means (44, Fig. 9), and the second interface as Data transfer means (45, Fig. 9). The Examiner interprets the cipher key storage unit as Kco storage means (49, Fig. 9) and the cipher key changeover control unit as Kco generation means (39). In Fig. 2, the Examiner interprets the line connecting 11 to 21 and the line connecting 12 and 22 as the first and second medium.

Regarding Claim 33,

Nishimura teaches the communication apparatus according to claim 32, wherein when the communication key signal is decoded based on the first setting key signal and the second setting key signal, time information is utilized while changing the time information by as much as a predetermined time.

In Fig. 2, S8 and S10 show the communication key being decoded based on the first and the second setting key signal. The Examiner interprets that "time information is utilized while changing the time information by as much as a predetermined time" as the system is driven by a clock. The Examiner notes that a clock inherently drives the system in Nishimura.

Regarding Claim 34,

Nishimura teaches the communication apparatus according to claim 32, wherein the communication apparatus receives at least one of the first setting key signal and the second setting key signal in a specific period.

In Fig. 2, S8 and S10 show the communication apparatus receiving the setting key signals.

Regarding Claim 35,

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Nishimura teaches the communication apparatus according to claim 32, wherein when receiving the first setting key signal, the communication apparatus requests the other communication apparatus to transmit the second setting key signal.

After the first setting key is received in S8 in Fig. 2, the system inherently requests the other communication apparatus to transmit the second signal. If the request is not sent the system will not work because otherwise the communication apparatus will not be able to decrypt the second communication key.

Regarding Claim 36,

Nishimura teaches the communication apparatus according to claim 32, wherein the communication apparatus has a communication apparatus authentication code for authenticating the other communication apparatus. (Fig. 2, Authentication and key exchange **S3** and **S4**)

Regarding Claim 37,

Nishimura teaches the communication apparatus according to claim 32, wherein the communication apparatus has a communication apparatus authentication code based on which the other communication apparatus authenticates the communication apparatus. (Fig. 2, Authentication and key exchange **S3** and **S4**)

Regarding Claim 38,

Nishimura teaches the communication apparatus according to claim 32, wherein the second transfer medium is a transfer medium that mediates an

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electronic device, and the second setting key signal transmitted from the other communication apparatus to the electronic device and stored in the electronic device is transmitted from the electronic device and received by the communication apparatus through the second interface.

The Examiner interprets the device as Data transfer Means **44** in Fig. 9. The device is fully capable of performing the functions described in Claim 38, particularly shown in Fig. 2, Step S7-S10.

Regarding Claim 46,

Nishimura teaches the communication apparatus according to claim 45, wherein the first setting key signal and the second setting key signal each vary according to timings at which the first setting key signal and the second setting key signal are generated. (*"encryption key generation means periodically or non-periodically updates the encryption key" Paragraph [0075]*)

Regarding Claim 47,

Nishimura teaches the communication apparatus according to claim 46, wherein when the first setting key signal and the second setting key signal are generated, time information on generation of the first setting key signal and the second setting key signal is used to thereby generate the first setting key signal and the second setting key signal vary every time the first setting key signal and the second setting key signal are generated.

The Examiner interprets Claim 47 as the system using a clock during the generation of the keys. The system of Nishimura inherently uses a clock throughout the entire system.

Regarding Claim 48,

Nishimura teaches the communication apparatus according to claim 45, wherein at least one of the first setting key signal and the second setting key signal is inherently transmitted in a specific period.

Regarding Claim 49,

Nishimura teaches the communication apparatus according to claim 45, wherein when transmission of the second setting key signal is requested after a communication apparatus other than the communication apparatus receives the first setting key signal, the communication apparatus transmits the second setting key signal for a certain period.

The first communication apparatus requesting the second to transmit the second setting key signal is shown in Fig. 1 as "Instruction to obtain Kc" located between **23** and **13**.

Regarding Claim 50,

Nishimura teaches the communication apparatus according to claim 45, wherein when receiving a changeover completion signal indicating that the communication key signal is generated and stored, from a communication apparatus other than the communication apparatus, the communication apparatus finishes transmitting the second setting key signal.

The Examiner interprets the changeover completion signal as an indication that the transfer is complete. Therefore in the step S15 in Fig. 2, that checks if the Transmission is terminated inherently requires a changeover completion signal in order to determine whether the transmission needs to be terminated.

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Regarding Claims 51 and 52,

Nishimura teaches the communication apparatus according to claim 45, wherein the communication apparatus has a communication apparatus authentication code for authenticating a communication apparatus other than the communication apparatus.

(Fig. 2, Authentication and key exchange **S3** and **S4**)

Regarding Claim 53,

The communication apparatus according to claim 45, wherein the second transfer medium is a transfer medium that mediates an electronic device, and the communication apparatus medium transmits the second setting key signal to the electronic device.

(Fig. 2, line between S9 and S10)

Regarding Claim 60,

Nishimura teaches an electronic device comprising: an interface connected to a second transfer medium other than a first transfer medium, so as to communicate with a communication terminal that transmits and receives an AV data signal using the first transfer medium; and a setting key signal storage unit that stores a second setting key signal generated based on a communication key signal so as to encrypt or decrypt the AV data signal, wherein the electronic device is employed in the AV data wireless communication system according to claim 17, and after receiving the second setting key signal transmitted from the second communication apparatus through the interface and storing the second setting key signal in the setting key signal storage unit, the electronic device transmits the second setting key signal

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stored in the setting key signal storage unit to the first communication apparatus through the interface.

The Examiner interprets the first interface as the Data transfer means (44, Fig. 9), and the second interface as Data transfer means (45, Fig. 9). The Examiner interprets the cipher key storage unit as Kco storage means (49, Fig. 9) and the cipher key changeover control unit as Kco generation means (39). In Fig. 2, the Examiner interprets the line connecting 11 to 21 and the line connecting 12 and 22 as the first and second medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 19, 29-30 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura.

Regarding Claim 19,

Nishimura teaches all the limitations that Claim 19 depends on (See Regarding Claim 18). Nishimura further teaches updating or generating a new Kw everytime the system starts, which inherently deletes the old Kw.

However Nishimura does not explicitly teach deleting the setting key after receiving a changeover completion signal. The Examiner interprets the changeover completion signal as inherently present in S15 of Fig. 6 when determining whether the transfer is complete.

It would have been obvious to one of ordinary skill in the art at the time of the invention to delete the key right after the transmission was completed instead of deleting the key upon the start of the next transmission.

The motivation to change the time of deletion is to remove the key from the system sooner.

Regarding Claims 29 and 30,

Nishimura teaches the AV data wireless communication system according to claim 17, where the data transfer means holds communication between the first communication apparatus and the second communication apparatus.

Nishimura does not explicitly state that these connections are wired or wireless.

It would have been obvious to one of ordinary skill in the art at the time of the invention to either use wired or wireless communication when transmitting data.

The motivation to use either is to allow a means of communication.

Regarding Claim 61 and 62,

Nishimura teaches the electronic device according to claim 60. Nishimura further teaches updating or generating a new Kw everytime the system starts, which inherently deletes the old Kw.

However Nishimura does not explicitly teach deleting the setting key after receiving a changeover completion signal, or directly after the transfer. The Examiner interprets the changeover completion signal as inherently present in **S15** of Fig. 6 when determining whether the transfer is complete.

It would have been obvious to one of ordinary skill in the art at the time of the invention to delete the key right after the transmission was completed instead of deleting the key upon the start of the next transmission.

The motivation to change the time of deletion is to remove the key from the system sooner.

Claims 20-22, 31, 39-40, 54-55 and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Leporini (US 2003/0182579).

Regarding Claim 20,

Nishimura teaches the AV data wireless communication system according to claim 17.

However Nishimura does not teach the electronic device has an electronic device authentication code based on which at least one of the first communication apparatus and the second communication apparatus authenticates the electronic device.

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Leporini teaches a client-server session module between the Security module and a chosen device, particularly an authentication mechanism.

(Paragraph [0439])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Nishimura with the teachings of Leporini.

The motivation to combine is to provide a level of security between the device and the security module.

Regarding Claims 21 and 22,

The combined teachings of Nishimura and Leporini teach the limitations of the AV data wireless communication system according to claim 20. Nishimura further teaches the second communication apparatus transmits the setting key signal to the electronic device and the first communication apparatus receives the setting key signal from the electronic device. (*Authentication and key exchange, S3 and S4, Fig. 6*)

Regarding Claim 31,

Nishimura teaches the AV data wireless communication system according to claim 30.

Nishimura does not teach that the electronic device is a remote controller that transmits an operation signal for operating at least one of the first communication apparatus and the second communication apparatus.

Leporini teaches that "the receiver/decoder is additionally adapted to receive inputs from an infra-red remote control via a control unit" (Paragraph [0173]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura with an infrared remote controller and receiver.

The motivation to combine is that an infrared remote control is a means of transferring data wirelessly.

Regarding Claim 39,

Nishimura teaches the communication apparatus according to claim 38
Nishimura does not teach the communication apparatus has an electronic device authentication code based on which the electronic device is authenticated.

Leporini teaches a client-server session module between the Security module and a chosen device, particularly an authentication mechanism.
(Paragraph [0439])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Nishimura with the teachings of Leporini.

The motivation to combine is to provide a level of security between the device and the security module.

Regarding Claim 40,

The combined teachings of Nishimura and Leporini teach the limitations of communication apparatus according to claim 39, Nishimura further, the communication apparatus receives the setting key signal from the electronic device. (*Authentication and key exchange, S3 and S4, Fig. 6*)

Regarding Claim 54,

Nishimura teaches the communication apparatus according to claim 53, wherein the communication apparatus has an electronic device authentication code based on which at least one of the first communication apparatus and the second communication apparatus authenticates the electronic device.

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Leporini teaches a client-server session module between the Security module and a chosen device, particularly an authentication mechanism.

(Paragraph [0439])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Nishimura with the teachings of Leporini.

The motivation to combine is to provide a level of security between the device and the security module.

Regarding Claim 55,

The combined teachings of Nishimura and Leporini teach the limitations of the AV data wireless communication system according to claim 54. Nishimura further teaches the second communication apparatus transmits the setting key signal to the electronic device and the first communication apparatus receives the setting key signal from the electronic device. (*Authentication and key exchange, S3 and S4, Fig. 6*)

Regarding Claim 63,

Nishimura teaches the electronic device according to claim 60.

Nishimura does not teach the communication apparatus has an electronic device authentication code based on which the electronic device is authenticated.

Leporini teaches a client-server session module between the Security module and a chosen device, particularly an authentication mechanism.

(Paragraph [0439])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Nishimura with the teachings of Leporini.

The motivation to combine is to provide a level of security between the device and the security module.

Regarding Claims 64 and 65,

The combined teachings of Nishimura and Leporini teach the AV data wireless communication system according to claim 17, where the data transfer means holds communication between the first communication apparatus and the second communication apparatus.

Nishimura does not explicitly state that these connections are wired or wireless.

It would have been obvious to one of ordinary skill in the art at the time of the invention to either use wired or wireless communication when transmitting data.

The motivation to use either is to allow a means of communication.

Regarding Claim 66,

The combined teachings of Nishimura and Leporini teach the System according to Claim 65.

The limitations taught in 65 however does not teach that the electronic device is a remote controller that transmits an operation signal for operating at least one of the first communication apparatus and the second communication apparatus.

Leporini teaches that "the receiver/decoder is additionally adapted to receive inputs from an infra-red remote control via a control unit" (Paragraph [0173]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura and Leporini with an infrared remote controller and receiver.

The motivation to combine is that an infrared remote control is a means of transferring data wirelessly.

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Claims 25-26, 41-42 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Takeda (US 6512767).

Regarding Claims 25 and 26,

Nishimura teaches the AV data wireless communication system according to claim 17.

However Nishimura does not teach: the first communication apparatus and the second communication apparatus comprise a connection state notification unit notifying that the first communication apparatus and the second communication apparatus are communicable with the electronic device.

Takeda in Column 7 line 48-50 teaches "a connection state notification destination device." Takeda inherently teaches that this connection state notification destination device will notify the device when the connection state occurs.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura with the teachings of Takeda.

The motivation to combine is to allow for detection of a connection.

Regarding Claim 41 and 42,

Nishimura teaches the communication apparatus according to claim 38.

Nishimura does not teach: a connection state notification unit notifying that the communication apparatus is communicable with the electronic device.

Takeda in Column 7 line 48-50 teaches "a connection state notification destination device." Takeda inherently teaches that this connection state notification destination device will notify the device when the connection state occurs.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura with the teachings of Takeda. The motivation to combine is to allow for detection of a connection.

Regarding Claim 56-57,

Nishimura teaches the communication apparatus according to claim 53, Nishimura does not teach: a connection state notification unit notifying that the communication apparatus is communicable with the electronic device.

Takeda in Column 7 line 48-50 teaches "a connection state notification destination device." Takeda inherently teaches that this connection state notification destination device will notify the device when the connection state occurs.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura with the teachings of Takeda. The motivation to combine is to allow for detection of a connection.

Claims 27-28, 43-44 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Takeda as applied to claim 26 above, and further in view of Leporini.

Regarding Claim 27,

The combined teachings of Nishimura and Takeda teach the AV data wireless communication system according to claim 26.

Nishimura and Takeda do not teach that the electronic device is a remote controller that holds optical communication with the first communication apparatus and the second communication apparatus.

Leporini teaches that "the receiver/decoder is additionally adapted to receive inputs from an infra-red remote control via a control unit" (Paragraph

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[0173]). Where it is understood that infra-red remote controllers and their receivers inherently require: a first light reception/emission unit dedicated to the electronic device; and a second light reception/emission unit for holding optical communication with a remote controller.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura and Takeda with an infrared remote controller and receiver.

The motivation to combine is that a infrared remote control is a means of transferring data wirelessly.

Regarding Claim 43,

The combined teachings of Nishimura and Takeda teach communication apparatus according to claim 42.

Nishimura and Takeda do not teach that the electronic device is a remote controller that holds optical communication with the first communication apparatus and the second communication apparatus.

Leporini teaches that "the receiver/decoder is additionally adapted to receive inputs from an infra-red remote control via a control unit" (Paragraph [0173]). Where it is understood that infra-red remote controllers and their receivers inherently require: a first light reception/emission unit dedicated to the electronic device; and a second light reception/emission unit for holding optical communication with a remote controller.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura and Takeda with an infrared remote controller and receiver.

The motivation to combine is that an infrared remote control is a means of transferring data wirelessly.

Regarding Claim 58,

The combined teachings of Nishimura and Takeda teach communication apparatus according to claim 57.

Nishimura and Takeda do not teach that the electronic device is a remote controller that holds optical communication with the first communication apparatus and the second communication apparatus.

Leporini teaches that "the receiver/decoder is additionally adapted to receive inputs from an infra-red remote control via a control unit" (Paragraph [0173]). Where it is understood that infra-red remote controllers and their receivers inherently require: a first light reception/emission unit dedicated to the electronic device; and a second light reception/emission unit for holding optical communication with a remote controller.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishimura and Takeda with an infrared remote controller and receiver.

The motivation to combine is that an infrared remote control is a means of transferring data wirelessly.

Regarding Claim 28,

The limitations of the AV data wireless communication system according to claim 27 are taught above.

Those limitations do not include where each of the first communication apparatus and the second communication apparatus includes a cap that covers the first light reception/emission unit, the first light reception/emission unit being provided within each of the first communication apparatus and the second communication apparatus.

It would have been obvious to one of ordinary skill in the art to put a cap on the light reception/emission unit.

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The motivation of putting a cap on is to protect the light reception/emission unit.

Regarding Claim 44,

The limitations of the AV data wireless communication system according to claim 43 are taught above.

Those limitations do not include where each of the first communication apparatus and the second communication apparatus includes a cap that covers the first light reception/emission unit, the first light reception/emission unit being provided within each of the first communication apparatus and the second communication apparatus.

It would have been obvious to one of ordinary skill in the art to put a cap on the light reception/emission unit.

The motivation of putting a cap on is to protect the light reception/emission unit.

Regarding Claim 59,

The limitations of the AV data wireless communication system according to claim 58 are taught above.

Those limitations do not include where each of the first communication apparatus and the second communication apparatus includes a cap that covers the first light reception/emission unit, the first light reception/emission unit being provided within each of the first communication apparatus and the second communication apparatus.

It would have been obvious to one of ordinary skill in the art to put a cap on the light reception/emission unit.

The motivation of putting a cap on is to protect the light reception/emission unit.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harris C. Wang whose telephone number is 5712701462. The examiner can normally be reached on M-F 8-5:30, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYZ R. SHEIKH can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HCW


TAGHI AHANI
PRIMARY EXAMINER
6/8/07